# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-1369-PST-E **TCEQ ID:** RN101534469 **CASE NO.:** 34482

RESPONDENT NAME: Tutle & Tutle Trucking, Inc. dba TNT Trucking

ORDER TYPE:						
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDER	_AMENDED ORDEREMERGENCY ORDER					
CASE TYPE:						
AIR	MULTI-MEDIA (check all that apply)INDUSTRIAL AND HAZAR WASTE					
PUBLIC WATER SUPPLY	$\underline{\mathbf{X}}$ PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
SITE WHERE VIOLATION(S) OCCURRED: TNT Trucking, 3672 West Highway 67, Cleburne, Johnson County  TYPE OF OPERATION: Trucking repair and diesel fuel operation  SMALL BUSINESS: _X_YesNo						
<b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on June 19, 2007, alleging a possible occurrence of a runoff from fuel spills in and around the dispenser island. There is no record of additional pending enforcement actions regarding this facility location.						
INTERESTED PARTIES: One complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.						
COMMENTS RECEIVED: The Texas Register comment period expired on November 26, 2007. No comments were received.						
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 5, MC R-04, (817) 588-5825; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Tommy Paul Tutle, President, Tutle & Tutle Trucking, Inc. dba TNT Trucking, 3672 West Highway 67, Cleburne, Texas 76033 Respondent's Attorney: Not represented by counsel on this enforcement matter						

**DOCKET NO.:** 2007-1369-PST-E

VIOLATION SUMMARY CHART:				
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED FROM 2		
Type of Investigation:  X Complaint Routine Enforcement Follow-up Records Review  Date of Complaint Relating to this Case: June 19, 2007	Total Assessed: \$790  Total Deferred: \$158  X Expedited Settlement  Financial Inability to Pay  SEP Conditional Offset: \$0	Corrective Actions Taken:  The Executive Director recognizes that the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that as of July 12, 2007, the Respondent mitigated explosive hazards and properly cleaned up and disposed of contaminated soils.		
Date of Investigation Relating to this Case: July 11, 2007  Date of NOE Relating to this Case:	Total Paid to General Revenue: \$632  Site Compliance History Classification High X Average Poor			
August 17, 2007 (NOE)  Background Facts: This was a complaint investigation. One significant program violation was observed.	Person Compliance History Classification, High X Average Poor  Major Source: Yes X No			
WASTE  Failure to prevent an unauthorized discharge of diesel fuel. Specifically, diesel fuel was observed in the soils around the	Applicable Penalty Policy: September 2002			
dispenser islands and surrounding area [30 Tex. Admin. Code § 334.48(a)].	jugo sa ere gamen den erak gan er er en en jede filosofie. Ban er	the open factor of the state \$18.8550 to the state of the		

Additional ID No(s).: PST ID No. 38391

Policy Revision 2 (Septe	Penalty Calculation	n Worksheet (P		June 26, 2007
CEQ	20-Aug-2007			
	22-Aug-2007	EPA Due		
ESPONDENT/FACILITY	INFORMATION Tutle & Tutle Trucking, Inc. dba TNT Truckin	ıa		
Reg. Ent. Ref. No.	RN101534469		I I	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	
ASE INFORMATION Enf./Case ID No.	24492	No. of Violations	Я	٦
	2007-1369-PST-E	Order Type		
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Judy Kluge	
Multi-Media	insid Minimum CO Maximum	EC's Team	EnforcementTeam 6	***
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	tion Section		
OTAL BASE PENAL	TY (Sum of violation base penaltie	s)	Subtotal 1	\$1,000
DJUSTMENTS (+/-)	TO SUBTOTAL 1			
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by		otals 2, 3, & 7	\$40
Compliance Histo			Otals 2, 5, & 1	<b>V</b> -10
Notes	Adjustment for two prior NOVs without sam past five years.	e of similar violations in the	,	
L				
Culpability	No 0%	Enhancement	Subtotal 4	\$(
Notes	The Respondent does not meet the	e culpability criteria.		
Good Faith Effort	to Comply 25%	Reduction	Subtotal 5	\$250
	Before NOV NOV to EDPRP/Settlement Offer		_	
Extraordinary Ordinary	x			
N/A	(mark with x)		_	
Notes	The Respondent came into compliar	nce on July 12, 2007.		
Notes	F			
	0%	Enhancement*	Subtotal 6	\$(
Approx. (	Total EB Amounts \$0 *Capped Cost of Compliance \$1,000	d at the Total EB \$ Amount		
			=: 16 1441	\$79
SUM OF SUBTOTALS	\$ 1-7		Final Subtotal	Ψ/ 31
	S JUSTICE MAY REQUIRE		Adjustment	\$
≀educes or enhances the Final S	ubtotal by the indicated percentage. <i>(Enter number onl</i> I	y; e.g30 for -30%.)		
Notes				
				\$79
		Final Pe	enalty Amount	\$18
STATUTORY LIMIT A	ADJUSTMENT	Final Ass	essed Penalty	\$79
		2007		-\$15
<b>DEFERRAL</b> Reduces the Final Assessed Pen	nalty by the indicted percentage. (Enter number only; e.	20% Reduction g. 20 for 20% reduction.)	Adjustment	-φ15
Notes	Deferral offered for expedite	ed settlement.		
			<u>ä</u>	
PAVARI E PENALTY				\$63

PAYABLE PENALTY

PCW Screening Date 22-Aug-2007 Docket No. 2007-1369-PST-E Respondent Tutle & Tutle Trucking, Inc. dba TNT Trucking Policy Revision 2 (September 2002) Case ID No. 34482 PCW Revision June 26, 2007 Reg. Ent. Reference No. RN101534469 Media [Statute] Petroleum Storage Tank Enf. Coordinator Judy Kluge **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of.. Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 0 0% NOVs (number of NOVs meeting criteria) Other written NOVs 2 , . . . 4% Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 0% Convictions Any criminal convictions of this state or the federal government (number of counts) 0% 0 Chronic excessive emissions events (number of events) 0% n **Emissions** Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% No Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) 0% >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) 0% >> Compliance History Summary Compliance History Adjustment for two prior NOVs without same or similar violations in the past five years. Notes Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	22-Aug-2007	Docket N	<b>lo.</b> 2007-1369-PST-E	PCW
Respondent	Tutle & Tutle Trucking, Inc	c. dba TNT Trucking	ł	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number	1	·		
Rule Cite(s)		30 Tex. Admin. Code §	i 334.48(a)	
Violation Description			esel fuel. Specifically, diesel fue islands and surrounding area	il was
			Base Pe	enalty \$10,000
>> Environmental, Property a	ınd Human Health Ma	atrix		
	Harm			
Release	Major Moderate	Minor		
OR Actual		X	B	
Potential	<u> </u>		Percent 10%	*
>>Drogrammatic Matrix				
>>Programmatic Matrix Falsification	Major Moderate	Minor		
Talsinoaton	Major Moderate	TI T	Percent 0%	
Matrix Notes not exceed I	levels that are protective o	of human health or environment violation.	ficant amounts of pollutants which commental receptors as a result of the commental receptor as a receptor of the commental receptors as a result of the commental receptor as a receptor of the commental receptor as a receptor of the commental receptor as a receptor of the commental receptor	\$9,000
				\$1,000
				\$1,000
Violation Events				
			Number of violation days	30,300,000
Number of Vic	olation Events 1		Number of violation days	
mark only one with an x	daily monthly quarterly x semiannual annual		Violation Base P	Penalty \$1,000
	single event			
One quarterly		rom the release discove 2007 compliance date.	ry date of July 11, 2007 to the J	uly 12,
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalt	y Total \$790
		This violation Final As	ssessed Penalty (adjusted for	limits) \$790

Case ID No. Reg. Ent. Reference No.	34482	ucking, Inc. dba TN	Trucking				
	Petroleum Stora	age Tank			^	Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1 EB Amount
Item Description	No commas or \$						
Delayed Costs_							
Equipment				0,0	\$0	\$0	\$0
Buildings		200000000000000000000000000000000000000		0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0 \$0	\$0 \\ \$0 \\ \$0	\$0 \$0
Engineering/construction				0.0	\$0 \$0	n/a	\$0 \$0
Land Land Record Keeping System				0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal	\$1,000	11-Jul-2007	12-Jul-2007	0.0	\$0	n/a	\$0
Permit Costs	Ψ1,000	11-001-2001	12 Jul 2001	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated 608		se was discovere			aminated solls. The	uate required is
	ANN		d costs before e			diam'r	osts)
Avoided Costs Disposal	ANN		d costs before e				osts) \$0
Avoided Costs	ANN		d costs before e	ntering	item (except for \$0 \$0	one-time avoided o	
Avoided Costs Disposal	ANN		d costs before e	0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0
Avoided Costs Disposal Personnel	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0		one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Perconting/Sampling Supplies/equipment Financial Assurance [2]	ANN		d costs before e	0.0 0.0 0.0 0.0 0.0		one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN  ANN  ANN  ANN  ANN  ANN  ANN  ANN		d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	\$0 \$0 \$0 \$0 \$0 \$0 \$0

# **Compliance History**

Customer	/Respondent/Owner-Operator:	CN600805568	Tutle & Tutle Trucki	ng, Inc.	Classification: AVERAGE	Rating: 7.00
Regulated	d Entity:	RN101534469	TNT TRUCKING		Classification: AVERAGE	Site Rating: 7.00
ID Numbe	er(s):	PETROLEUM ST REGISTRATION PETROLEUM ST		REGISTI		38391 77258
Location:		REGISTRATION			Rating Date: September 01	06 Repeat Violator: NO
TCEQ Re	egion:	REGION 04 - DF	W METROPLEX			
	npliance History Prepared:	August 20, 2007				
Agency D	ecision Requiring Compliance History:	Enforcement ,		<del>an and an and an and an and an and an an</del>	The second secon	
0 ,	ce Period:		to August 20, 2007			
TCEQ Sta	aff Member to Contact for Additional Info	rmation Regarding t	his Compliance Histor	у		
Name:	Judy Kluge		one: 817-588-		·	
		C!4- C		Componente		
	No. 1. The second secon		ompliance History			•
	e site been in existence and/or operation			Yes		
	ere been a (known) change in ownership who is the current owner?	of the site during the	ne compliance period?	No N/A	•	
4. if Yes,	, who was/were the prior owner(s)?			N/A		
5. When	did the change(s) in ownership occur?			N/A		_
Compo	nents (Multimedia) for the Site:					
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state o	f Texas and the fed	eral government.	
	N/A					
В.	Any criminal convictions of the state of	Texas and the fede	eral government.			
	N/A					
C.	Chronic excessive emissions events.					
_	N/A	005001 T	AL. X			
D.	The approval dates of investigations. (0 1 04/01/2005 (376169)	CCEDS Inv. Track.	No.)			
E.	Written notices of violations (NOV). (Co	CEDS Inv. Tracķ. N	0.)			
	Date: 10/22/2004 (33853	7)				
*	Self Report? NO			Classification:	Moderate	
٠	Description: Failure to re		ter F 334.127(a)(2) und storage tank (AST gency on authorized a		after	
**	Self Report? NO	1, 1500, Mar are are	goney on authorized a		Moderate	
	Description: Except as a waste, recrewater in the	eational waste, agric state.	mmission, no person n cultural waste, or indus			
	Date: 02/06/2006 (45274	·8)		Classification:	Moderate	
	·	ter 26 26.121 revent unauthorized	discharges.	Classification.	iviouerate	
F.	Environmental audits.  N/A		<b>y</b> -2-			
G.	Type of environmental management s	ystems (EMSs).				
	N/A	, v,				
Н.	Voluntary on-site compliance assessm	nent dates.				
	N/A					•

Participation in a voluntary pollution reduction program. 1. N/A J. Early compliance. Mid Hami N/A Sites Outside of Texas N/A 11. All of States

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TUTLE & TUTLE TRUCKING, INC.	§	
DBA TNT TRUCKING	§	ENVIRONMENTAL QUALITY
RN101534469	· ·	

## AGREED ORDER DOCKET NO. 2007-1369-PST-E

## I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Tutle & Tutle Trucking, Inc. dba TNT Trucking ("Tutle & Tutle Trucking") under the authority of Tex. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Tutle & Tutle Trucking appear before the Commission and together stipulate that:

- 1. Tutle & Tutle Trucking owns and operates a trucking repair and diesel fuel operation at 3672 West Highway 67 in Cleburne, Johnson County, Texas (the "Facility").
- 2. Tutle & Tutle Trucking's above ground storage tank ("AST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and Tutle & Tutle Trucking agree that the Commission has jurisdiction to enter this Agreed Order, and that Tutle & Tutle Trucking is subject to the Commission's jurisdiction.
- 4. Tutle & Tutle Trucking received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Tutle & Tutle Trucking of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Seven Hundred Ninety Dollars (\$790) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Tutle & Tutle Trucking has paid Six Hundred Thirty-Two Dollars (\$632) of the administrative penalty and

One Hundred Fifty-Eight Dollars (\$158) is deferred contingent upon Tutle & Tutle Trucking's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Tutle & Tutle Trucking fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Tutle & Tutle Trucking to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Tutle & Tutle Trucking have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that as of July 12, 2007. Tutle & Tutle Trucking mitigated explosive hazards and properly cleaned up and disposed of contaminated soils.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Tutle & Tutle Trucking has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, Tutle & Tutle Trucking is alleged to have failed to prevent an unauthorized discharge of diesel fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(a), as documented during an investigation conducted on July 11, 2007. Specifically, diesel fuel was observed in the soils around the dispenser islands and surrounding area.

#### III. DENIALS

Tutle & Tutle Trucking generally denies each allegation in Section II ("Allegations").

# BURGER STANFORD BEFORE

रवत्त्रेच त्वरक्षातिवरं प्रयोक्ष्य तरमत्त्रेच तृत्ये तत्त्वेची श्वक्योकी निर्वात रही वक्षीयीय कामने विभवते राज्य ते कातवा हो। जनमार्थिक तत्त्री प्रवाहमत्त्री प्रवरण सम्मान सम्बद्धात काला काली विभवत्व काला स्वाहित विभवत्व काला स्वाहित काल

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#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Tutle & Tutle Trucking pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Tutle & Tutle Trucking's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tutle & Tutle Trucking, Inc. dba TNT Trucking, Docket No. 2007-1369-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Tutle & Tutle Trucking. Tutle & Tutle Trucking is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Tutle & Tutle Trucking in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Tutle & Tutle Trucking, or three days after the date on which the Commission mails notice of the Order to Tutle & Tutle Trucking, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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# SIGNATURE PAGE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	12/03/07 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Tommy Paul Tutle Signature

9-28-07 Date Presedent

Name (Printed or typed)

Authorized Representative of

Tutle & Tutle Trucking, Inc. dba TNT Trucking

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.